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OFFICE OF PETITIONS

In re Patent No. 6,944,418 :
TAMAOKI : LETTER REGARDING
Issue Date: September 13, 2005: PATENT TERM ADJUSTMENT
Application No. 10/694,862 :
Filed: October 29, 2003 :
Atty Docket No. 03500.017676 :

This is in response to the "COMMENTS ON DETERMINATION OF PATENT TERM ADJUSTMENT," filed September 30, 2006 (and resubmitted on January 11, 2007). Pursuant to patentee's duty of good faith and candor to the Office, patentee requests review of the Patent Term Adjustment (PTA) determined for the above-identified patent.

The request for reconsideration of patent term adjustment indicated in the patent is GRANTED.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of sixty-seven (67) days.

On September 13, 2005, this application matured into U.S. Patent No. 6,944,418, with a revised patent term adjustment of 70 days. Patentee indicates that the patent term adjustment was incorrectly calculated based on the Issue Fee payment being verified on March 5, 2005. In fact, the Issue Fee payment was not received until March 7, 2005. Accordingly, entry of a period of reduction of 1 day (pursuant to 1.704(b)) and correction of the period of adjustment (pursuant to 1.702(a)(4) and 1.703(a)(6)) from 70 days to 68 days is appropriate.

The Office appreciates patentee's submission on January 11, 2007 of additional information in furtherance of their duty of good

faith and candor to the Office. Patentees are correct with respect to the bases and amounts of correction of the patent term adjustment. A review of the record confirms that the Issue Fee payment (and thereby, satisfaction of all outstanding requirements) was filed on March 7, 2005, three months and 1 day after the mailing of the notice of allowance on December 6, 2004. Likewise, the Office issued the patent on September 13, 2005, four months and 68 days (not 70) later.

In view thereof, the patent should have issued with a revised patent term adjustment of sixty-seven (67) days.

As this letter was submitted as an advisement to the Office of an error in Patentee's favor, the Office will not assess the \$200.00 application fee under 37 CFR 1.705(b). The Office thanks patentee for their good faith and candor in bringing this to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by sixty-seven (67) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 6,944,418 B2
DATED : September 13, 2005
INVENTOR(S): Tamaoki

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (70) days

Delete the phrase "by 70" and insert - by 67 days--